

**APR 10 2006**

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL ROLAND SEATON,

Defendant - Appellant.

No. 04-30493

D.C. No. CR-04-00011-SEH

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Montana  
Sam E. Haddon, District Judge, Presiding

Submitted April 5, 2006<sup>\*\*</sup>

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Michael Roland Seaton appeals from the 120-month sentence imposed following his guilty-plea conviction to one count of conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), and 846. We have

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction pursuant to 28 U.S.C. § 1291.

Seaton contends that the district court abused its discretion when it denied his request for a continuance to obtain a new lawyer at his sentencing hearing. A district court abuses its discretion if the denial was arbitrary and unreasonable. *See United States v. Willis*, 88 F.3d 704, 711 (9th Cir. 1997). The district court did not abuse its discretion in denying the continuance because the relevant factors weighed against Seaton's motion for a continuance, *see United States v. Fowlie*, 24 F.3d 1059, 1069 (9th Cir. 1994), and Seaton cannot show prejudice by the denial, *see Willis*, 88 F.3d at 711.

**AFFIRMED.**